UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,874	02/05/2004	Anthony Gerard Kelly	BTOMK 1029891	5561

27111 7590 08/09/2007

GORDON & REES LLP
101 WEST BROADWAY
SUITE 1600
SAN DIEGO, CA 92101

EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
08/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/772,874	KELLY, ANTHONY GERARD	
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/05/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 26-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer program is a software which render claim(s) 26 non-statutory. "A computer readable medium" will be appropriate.

Claim(s) 28 has the program embodied on a carrier signal, which is non-statutory. A signal is not tangible and is not patentable matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-54** are rejected under 35 U.S.C. 102(e) as being anticipated by Will et al. (US 6,920,425 B1).

Regarding **claim(s) 1**, Will discloses a method of introducing events into a current voice call of a telephone between at least two telephone users in a telecommunications network (column 1, lines 8-11) comprising:

routing said voice call via an Interactive Voice Response (IVR) system (column 4, lines 36-51);

linking said interactive voice response (IVR) system to a server in response to an input from an internet application initiated by at least one of said telephone users (column 4, lines 36-51);

recognizing the input as an event by the IVR system (column 4, lines 52-64);

outputting the event over said current voice call (column 4, lines 36-51); and

wherein said event is an audio file associated with said IVR system which is delivered over said current voice call to at least one telephone user in response to the input initiated by one or other of said other telephone users (column 4, lines 36-51).

Regarding **claim(s) 2, 15, 31 and 44**, Will discloses a method wherein said input comprises the step of selecting an icon or hyperlink by one of said telephone users from a web page on a computer screen triggering the event connected to the server and the IVR system (column 6, lines 19-45).

Regarding **claim(s) 3, 16, 32 and 45**, Will discloses a method comprising the further steps of accepting inputs from said web pages to an IVR system and outputting as an event to a selected current voice call connection (column 6, lines 46-51).

Regarding **claim(s) 4, 17, 33 and 46**, Will discloses a method comprising the step of providing a VoIP channel for said current voice call (column 6, lines 19-45).

Regarding **claim(s) 5, 25 and 34**, Will discloses a method comprising the steps of: storing a plurality of audio files on said IVR system (column 4, lines 36-51);

receiving at said IVR system said input from said server (column 4, lines 36-51); and

outputting said audio file from said input, been recognized as an event by said IVR system, over said current voice call selected from said plurality of audio files in response to said event in real time (column 4, lines 36-51).

Regarding **claim(s) 6 and 35**, Will discloses a method comprising the step of allowing multiple voice call connections interact with the IVR system simultaneously from several web pages (column 6, lines 19-45).

Regarding **claim(s) 7 and 36**, Will discloses a method comprising the further step assigning an identifier to route the audio file to said voice call in response to said event wherein said IVR system selects said audio file from said event when an event is received by said IVR system (column 4, lines 36-51).

Regarding **claim(s) 8, 18, 37 and 47**, Will discloses a method comprising the step of providing a unique identifier, said identifier is generated from an Out Dialed Number, from the IVR to one of said telephone users receiving a telephone voice call (column 4, lines 36-51).

Regarding **claim(s) 9, 19, 38 and 48**, Will discloses a method comprising the step of providing a unique identifier, said identifier is generated from a Call Line Identifier, identified from one of said telephone users initiating a telephone voice call (column 4, lines 36-51).

Regarding **claim(s) 10, 20, 39 and 49**, Will discloses a method comprising the step of providing a unique identifier, said identifier is generated from a cookie or IP address or a browser script, identified from one of said telephone users initiating a telephone voice call (column 6, lines 19-45).

Regarding **claim(s) 11, 21, 40 and 50**, Will discloses a method comprising the further steps of: inputting text to said web server over an internet application by at least one of said telephone user (column 6, lines 46-51);

assigning a file name to said inputted text (column 6, lines 46-51);

transmitting said file name to said IVR system said filename been recognized as an event (column 6, lines 46-51); and

outputting an audio file from said IVR system representing said inputted text over said current voice call to said other user (column 6, lines 46-51).

Regarding **claim(s) 12, 22, 41 and 51**, Will discloses a method comprising the additional steps of: inputting audio information to a speech to text module via said IVR system by at least one of said telephone users (column 6, lines 46-51);

outputting a text string by said server representing said inputted audio information to an interface viewable by said other user (column 6, lines 46-51).

Regarding **claim(s) 13, 23, 42 and 54**, Will discloses a method comprising the steps of: providing a status protocol between said IVR system and said telephone users (column 6, lines 46-51); and

configuring said protocol to visually indicate to said users the status of said current voice call connection via an internet enabled screen of said users (column 6, lines 46-51).

Regarding **claim(s) 14**, Will discloses a method of introducing events into a current voice call of a telephone between at least two telephone users in a telecommunications network (column 1, lines 8-11) comprising:

routing said voice call via an interactive voice response (IVR) system (column 4, lines 36-51);;

linking said interactive voice response (IVR) system to a server in response to an input from an internet application initiated by at least one of said telephone users (column 4, lines 36-51);;

selecting a translation application by at least one of said users (column 4, lines 36-51);;

inputting text to be translated by said user on said server to provide an event (column 6, lines 19-45);;

receiving at said IVR system said event from said server (column 4, lines 36-51);;

outputting the event over said current voice call (column 4, lines 36-51);; and

wherein said event is an audio file associated with said IVR system which is a translation of said inputted text to at least one telephone user in response to said selected translation application (column 4, lines 36-51);.

Regarding **claim(s) 24**, Will discloses a method of controlling an audio output from an IVR system outputted to a users device by a visual control means (column 1, lines 8-11) comprising the steps of:

linking a first IVR system to a second IVR system in response to an input from an internet application initiated by a user (column 4, lines 36-51);

selecting an audio application associated with said second IVR system in response to said input (column 4, lines 36-51);

converting said audio application to visual information at said first IVR system (column 6, lines 19-45);

presenting said audio application as a visual information on said users device from said first IVR system (column 4, lines 36-51); and

selecting a portion of said visual information by said user wherein said selected portion of information triggers a desired audio output to be delivered to said user over a voice call (column 4, lines 36-51).

Regarding **claim(s) 26, 27, 28 and 29**, Will discloses a computer program, comprising program instructions for causing a computer to perform the method of claim 1(column 4, lines 36-51).

Regarding **claim(s) 30**, Will discloses a system for introducing events into a current voice call of a telephone between at least two telephone users in a telecommunications network (column 1, lines 8-11) comprising:

means for routing said voice call via an Interactive Voice Response (IVR) system (column 4, lines 36-51);

means for linking said interactive voice response (IVR) system to a server in response to an input from an internet application initiated by at least one of said telephone users (column 6, lines 19-45);

means for recognizing the input as an event by the IVR system (column 4, lines 36-51);

means for outputting the event over said current voice call (column 4, lines 36-51); and

wherein said event is an audio file associated with said IVR system which is delivered over said current voice call to at least one telephone user in response to the input initiated by one or other of said other telephone users (column 4, lines 36-51).

Regarding **claim(s) 43**, Will discloses a system for introducing events into a current voice call of a telephone between at least two telephone users in a telecommunications network (column 1, lines 8-11); comprising:

means for routing said voice call via an interactive voice response (IVR) system (column 4, lines 36-51);

mean for linking said interactive voice response (IVR) system to a server .in response to an input from an internet application initiated by at least one of said telephone users (column 6, lines 19-45);

means for selecting a translation application by at least one of said users(column 4, lines 36-51);

means for inputting text to be translated by said user on said server to provide an event (column 6, lines 46-51);

means for receiving at said IVR system said event from said server (column 4, lines 36-51);

means for outputting the event over said current voice call (column 4, lines 36-51); and

wherein said event is an audio file associated with said IVR system which is a translation of said inputted text to at least one telephone user in response to said selected translation application (column 4, lines 36-51).

Regarding **claim(s) 53**, Will discloses a system for controlling an audio output from an IVR system outputted to a users device by a visual control means (column 1, lines 8-11) comprising the steps of:

means for linking a first IVR system to a second IVR system in response to an input from an internet application initiated by a user (column 4, lines 36-51);

means for selecting an audio application associated with said second IVR system in response to said input (column 4, lines 36-51);

means for converting said audio application to visual information at said first IVR system (column 6, lines 19-45);

means for presenting said audio application as a visual information on said users device from said first IVR system (column 4, lines 36-51); and

means for selecting a portion of said visual information by said user wherein said selected portion of information triggers a desired audio output to be delivered to said user over a voice call (column 4, lines 36-51).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
Art Unit 2614

/GG/
August 3, 2007